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**FISCAL IMPACT STATEMENT**

**LS 6846**

**BILL NUMBER:** SB 290

**NOTE PREPARED:** Jan 27, 2010

**BILL AMENDED:** Jan 26, 2010

**SUBJECT:** Probation.

**FIRST AUTHOR:** Sen. Steele

**FIRST SPONSOR:**

**BILL STATUS:** 2nd Reading - 1st House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It provides that the requirement that certain offenders placed on home detention be subject to constant supervision does not apply, with certain exceptions, if the supervising department or program's inability to maintain constant supervision is solely because electronic monitoring is not possible in certain locations in the county due to the unavailability of an appropriate telecommunications infrastructure.
- B. It specifies that the requirement that a contract agency supervising an offender on home detention notify authorities within one hour of a violation of the conditions of home detention does not apply, with certain exceptions, if the late notification occurs solely because electronic monitoring is not possible in certain locations in the county due to the unavailability of an appropriate telecommunications infrastructure and the contract agency notifies the authorities as soon as possible after learning of the violation.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** (Revised) Under current law, probation departments and contractors who

supervise violent offenders on home detention may lose grant monies from state and federal sources if they fail to comply with the requirement in existing statute. This bill would exempt these departments from this requirement when monitoring is not possible and permit them to remain eligible for any state or federal assistance.

The local agency or contractor would still be responsible when a violent offender enters a location in the county where electronic monitoring was not possible and this location is in an area that the violent offender is not permitted to enter. Consequently, the local program is required to treat the violent offender's entry into this location as the violation of a home detention order unless or until the department or program determines that the violent offender has not violated a home detention order. A contract agency would be required to notify a probation department or a community corrections program within one hour of the apparent violation.

**Background** – Under IC 35-38-2.5-4.7, violent offenders are persons who are convicted and sentenced for the following crimes:

- IC 35-41-5-1 Attempted murder
- IC 35-42-1-1 Murder
- IC 35-42-1-3 Voluntary manslaughter
- IC 35-42-1-4 Involuntary manslaughter
- IC 35-42-1-5 Reckless homicide
- IC 35-42-2-1 Battery
- IC 35-42-2-1.3 Domestic battery,
- IC 35-42-2-1.5 Aggravated battery
- IC 35-42-3-2 Kidnapping
- IC 35-42-4-1 Rape
- IC 35-42-4-2 Criminal deviate conduct
- IC 35-42-4-3 Child molesting
- IC 35-42-4-9(b)(2) Sexual misconduct with a minor
- IC 35-42-5-1 Robbery
- IC 35-43-1-1 Arson
- IC 35-44-3-5 Escape
- IC 35-45-10-5 Stalking
- IC 35-47.5-5 Regulated Explosives

DOC reports that November 2001, 8,562 offenders in 566 cities or towns were being monitored in their homes.

**State Agencies Affected:** DOC.

**Local Agencies Affected:** Probation departments.

**Information Sources:** DOC.

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